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CHAPTER 19.06 SPECIAL PURPOSE AND OVERLAY DISTRICT**19.06.010 PURPOSE AND INTENT**

The Special Purpose and Overlay Districts established in this Chapter are to be used in areas of the City which have special characteristics and require special zoning regulations to establish and maintain the character of those areas. Special Purpose and Overlay Districts may include, for properties located therein, special regulations regarding land use, buildings and structures, building height, building site areas, setback requirements, landscaping, streetscape and aesthetic characteristics, and any other item or concern regulated by this Title.

19.06.020 C-V CIVIC DISTRICT

Ord 5649 12/3/03

A. Intent

The C-V District is intended to provide for the continuation of existing public uses and for the development of new schools, libraries, public parks, public flood control facilities, police, fire, electrical transmission facilities, Water District and other public utility facilities. In addition, the C-V District is intended to provide for other compatible uses, including public and quasi-public uses which are operated or controlled by any recognized religious, fraternal, veteran, civic or service organization.

B. Permitted Land Uses

The following uses are permitted in the C-V District:

1. Any use operated or controlled by the City, County, State or Federal government, other than those described in Section 19.06.020(D).
2. Any public or quasi-public use operated or controlled by a recognized religious, fraternal, veteran, civic or service organization, other than those described in Section 19.06.020(D).
3. Any public or private elementary school, middle school, high school, college or university, with the exception of private vocational schools.
4. Utility company facilities, including electrical power substation facilities, telephone switching stations and towers, water district facilities, cable TV lines and wireless communication facilities.

C. Similar Uses

1. **Additional Uses.** The uses permitted in Section B of this subchapter are classified on the basis of common operational characteristics and land use compatibility. Uses not specifically listed in this subchapter are prohibited. However additional uses may be permitted by the Director if the Director finds the use in each case to be similar to the other uses listed in Section B of this subchapter.

2. **Appeal of Decision.** An applicant who is aggrieved by the decision of the Director may appeal that decision to the City Council. The appeal shall be filed in the office of the City Clerk, with a copy to be filed in the office of the Department of Planning and Development. The appeal must be filed within ten days after the Director's decision is made. Unless otherwise stated, the Council's determination shall constitute a permanent and consistent interpretative decision, which the Director shall apply in all future instances.

Ord 5500 8/7/02

D. Uses Permitted by Special Use Permit

1. The following uses may be permitted in the C-V District by means of Special Use Permit if in each case the parcel or use is operated or controlled by an agency of local, state or federal government.
 1. Cemetery/Mausoleum
 2. Custodial institution;
 3. Publicly operated convention and stadium facility;
 4. Liquefied petroleum gas installation;
 5. General business related gaming establishment; and
 6. Liquor establishment (tavern).
2. An off-premise sign may be permitted in the C-V District by means of Special Use Permit if in each case the parcel or use is operated or controlled by an agency of local, state or federal government, or by any fraternal, veteran, civic or service organization.
3. The following uses may be permitted in the C-V District by means of Special Use Permit without limitation as to the person or entity that operates or controls the parcel or use:
 - a. Cemetery/mausoleum; and
 - b. Mortuary or funeral chapel.

E. Development Standards

Minimum development standards for property in the C-V District shall be established by the City Council in connection with the approval of a rezoning application or administratively in connection with the approval of a site development plan. The standards shall be designed to ensure compatibility of the development with existing and planned development in the surrounding area.

19.06.030 P-C PLANNED COMMUNITY DISTRICT**A. Intent and Objectives**

1. The Planned Community (P-C) District is established to permit and encourage the development of comprehensively planned communities, with a minimum of 3,000 contiguous acres of land under one ownership or control, which can flourish as unique communities as a result of the comprehensive planning required for this large scale of development. The rezoning of property to the P-C District is appropriate only if the Planned Community Program, with respect to such property, will accomplish the objectives set forth in Subsection (2), below.
2. In order for property to qualify for P-C District zoning, the master developer must demonstrate the potential for achievement of the following specific objectives throughout the planning, design and development stages:
 - a. Providing for an orderly and creative arrangement of land uses with respect to each other, to the entire Planned Community and to all adjacent land;
 - b. Providing for a variety of housing types, employment opportunities and commercial services to achieve a balanced community for families of a wide variety of ages, sizes and levels of income;
 - c. Providing for a planned and integrated comprehensive transportation system for pedestrian and vehicular traffic, which may include provisions for mass transportation and roadways, bicycle or equestrian paths, pedestrian walkways and other similar transportation facilities;
 - d. Providing for cultural, educational, medical, religious and recreational facilities;
 - e. Locating and siting structures to take maximum advantage of the natural and manmade environment and to provide view corridors; and
 - f. Providing for adequate, well-located and well-designed open space and community facilities.

B. Permitted Land Uses And Development Standards

Development in the P-C District may consist of any use or combination of uses that are specifically approved for the property in the Planned Community program. The developer shall include in the Planned Community Program a listing of the uses proposed and the general arrangement for each land use category within the proposed P-C District. The listing and general arrangement of the approved land uses shall be shown in the Planned Community Program that is adopted as part of the P-C District approval.

C. Density

The approved Planned Community Program shall establish the maximum number of dwelling units per gross acre for each residential category, as well as for the entire property. The number of dwelling units permitted per gross acre on any parcel in the P-C District shall be determined at the time the Development Plan is approved.

D. Minimum Site Area For Rezoning

The minimum site area that is eligible for rezoning to the P-C District is 3,000 acres. Any additional tract which contains less than the minimum site area and which is contiguous to property previously zoned P-C may also be zoned P-C by the City Council if it otherwise qualifies for the P-C zoning designation and, at the time of such rezoning, is owned by or is under the control of the same property owner (including its successors and assigns) that applied for and obtained P-C zoning on the original property so zoned. The rezoning of any such additional property shall be made subject to an approved Planned Community Program applicable to that property.

E. Special Application Requirements

Plans and documentation which must accompany a rezoning application are as follows:

1. A conceptual development plan for the property, including general land use designations, transportation plans and plans for open space and community facilities. A general phasing plan shall be included to indicate the intended timing of development;
2. Development standards that set forth: densities; building height, bulk and setback requirements; requirements for signage, landscaping, parking and open space; and procedures for Development Plan review and for modifying and deviating from the Planned Community Program;
3. Storm drainage information, which shall consist of a preliminary drainage study completed by a registered professional engineer on a map with a minimum contour interval of five feet;
4. Conceptual utility layout that includes tentative sewer and water main corridors; and
5. Proposed conditions, covenants and restrictions, including design guidelines.

F. Review, Recommendation And Approval

1. **Planned Community Program.** The initial zoning approval of a P-C District shall consist of a review and recommendation by the Planning Commission and approval by the City Council, in accordance with the provisions of Chapter 19.18.040 of this Title. The approval of a P-C District by the City Council shall be accomplished directly by ordinance and shall include the approval and adoption of a Planned Community Program. An approved Planned Community Program shall be a matter of record and shall be made available in the Department of Planning and Development.
2. **Modified Planned Community Program.** The developer may develop property in the P-C District in accordance with, but only in accordance with, the approved Planned Community Program and any approved modifications thereof or deviations therefrom. No modification or deviation shall be effective unless it is approved in accordance with this subchapter and the procedures set forth in the Planned Community Program. The Director of the Department of Planning and Development may request modification of a program in accordance with the modification procedures set forth in the program.

3. **Planned Community Program Procedures.** A Planned Community Program shall contain procedures to provide for modification of and deviation from the program pursuant to review by the Director of the Department of Planning and Development, the Planning Commission or the City Council, or any combination thereof, and such procedures shall be exclusive of any other procedure, other than the procedures for notification of public hearings, that is provided in this Title for the approval of any Rezoning, Variance or Special Use Permit. With respect to any modification or deviation that requires approval by the Planning Commission or City Council, or both, the modification or deviation may be approved only upon a finding by the Planning Commission or City Council, as the case may be, that:
 - a. The requested modification or deviation, if approved, will not affect the rights of property owners or residents within the P-C District to maintain and enforce previously approved conditions, covenants and restrictions and other rights in the Planned Community Program; and
 - b. The requested modification or deviation, if approved, will be consistent with the planning objectives and goals of the approved Planned Community Program.
4. **Department of Planning and Development Conformance Review-Appeal.** Each Development Plan that is submitted in connection with the implementation of a Planned Community Program shall be reviewed for conformance therewith by the Director of the Department of Planning and Development. The Director may require modifications that bring the Development Plan or site plan into conformance with applicable standards of health, safety and welfare and may recommend design adjustments to better fulfill the intent of the Planned Community Program approval and the purposes of the P-C District.
5. **Appeal of Director's Decision.** An applicant who is aggrieved by the decision of the Director with respect to a proposed Development Plan or site plan may request a review of such decision by the Planning Commission. An applicant who is aggrieved by the decision of the Planning Commission may appeal such decision to the City Council by filing a written request for appeal with the City Clerk within fifteen calendar days after the date of the Planning Commission's decision.

G. Open Space And Landscape Area Requirements

A minimum of 20 percent of the gross property area in the P-C District shall consist of open space, recreation facilities, multi-purpose trails, pedestrian and bikeway facilities, other common community facilities and landscaped areas in public rights-of-way. Any private recreation facility which serves more than one individual lot may be counted as a part of the minimum requirement. Specific open space and landscaped area requirements shall be set forth in the Planned Community Program.

H. Street And Subdivision Design Requirements

All development shall conform to the standard street and subdivision design requirements set forth in Title 18 of the Las Vegas Municipal Code, except as otherwise provided for specifically in an approved Planned Community Program.

I. Nonapplicability Of Other Provisions- Analogous Applications

1. The Development Standards may contain provisions for the processing and review of Minor Exceptions, Deviations, Plot Plan Reviews, Development Plan Modifications and other land use control procedures. If such procedures are so provided, they supersede the corresponding procedures set forth in this Title.
2. With regard to any issue of land use regulation that may arise in connection with the PC District and that is not addressed or provided for specifically in this chapter or in an approved Planned Community Program, the Director of the Department of Planning and Development may apply by analogy the general definitions, principles and procedures set forth in this Title, taking into consideration the intent of the approved Planned Community Program.

19.06.040 R-PD RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

A. Intent Of R-PD District And Minimum Site Area

The R-PD District is intended to provide for flexibility and innovation in residential development, with emphasis on enhanced residential amenities, efficient utilization of open space, the separation of pedestrian and vehicular traffic, and homogeneity of land use patterns. As with previous versions of this Title, the R-PD District represents an exercise of the City Council's general zoning power as set forth in NRS Chapter 278. The density allowed in the R-PD District shall be reflected by a numerical designation for that district. (Example, R-PD4 allows up to four units per gross acre.)

The minimum site area that is eligible for rezoning to the R-PD zoning district is five acres. Any additional tract which contains less than the minimum site area, but which is contiguous to property previously zoned R-PD, may also be zoned R-PD by the City Council if it otherwise qualifies for the R-PD zoning designation. Both such properties must be owned by or be under the control of the same property owner.

B. Pre-Application Conference

Prior to the acceptance of a rezoning application to an R-PD District, a pre-application conference is required with the developer or an authorized representative and the staff of the Department of Planning and Development.

C. Development Review

1. Concurrently with the submission of a rezoning application to an R-PD District, the owner shall submit a Development Review application for the proposed project.
2. Site Development Plans shall show the following information:
 - a. The proposed uses for the property and the dimensions and locations of all proposed lots, setbacks, heights, open space and common areas, private drives, public streets and the exterior boundaries. In addition, the layout and design of all perimeter walls, landscaping, access control gates, and guard stations shall be provided. If the development is to be

- constructed in phases, each phase shall be delineated on the Site Development Plan. Each set of plans shall also include floor plans and elevations of the buildings.
- b. Drainage and grading information which shall consist of either a contour map or sufficient information indicating the general flow pattern or percentage of slope.
 - c. For any development site where 20% or more of the aggregate site has a slope of natural grade above 4%, a cross section, which must extend a minimum of 100 feet beyond the limits of the project at each property line, showing the location and finish floor elevations of adjacent structures; the maximum grade differentials; and the elevations of existing and proposed conditions.
3. The conditions, covenants and restrictions proposed for the development shall also be submitted.

D. Development Standards

The development standards for a project, including minimum front, side and rear yard setbacks, grade changes, maximum building heights, maximum fence heights and fence design, parking standards, standards for any guest houses/casitas and other design and development criteria, shall be established by the Site Development Plans.

E. Permitted Land Uses

1. Single-family and multi-family residential and supporting uses are permitted in the RPD District to the extent they are determined by the Director to be consistent with the density approved for the District and are compatible with surrounding uses. In addition, the following uses are permitted as indicated:
 - a. Home Occupations for which proper approvals have been secured.
 - b. Child Care-Family Home and Child Care-Group Home, to the extent the Director determines that such uses would be permitted in the equivalent standard residential district.
2. For any use which, pursuant to this Section, is deemed to be permitted within the R-PD District, the Director may apply the development standards and procedures which would apply to that use if it were located in the equivalent standard residential district.
3. For purposes of this Section, the "equivalent standard residential district" means a residential district listed in the Land Use Tables which, in the Director's judgment, represents the (or a) district which is most comparable to the R-PD District in question, in terms of density and development type.

F. Plans Approval, Conditions, Conformance

Site Development Plans shall be reviewed and approved by the Planning Commission and the City Council during the rezoning public hearing. The Planning Commission and the City Council may attach to the Site Development Plans whatever conditions they deem necessary to ensure the proper

amenities and to assure that the proposed development will be compatible with surrounding existing and proposed land uses.

G. Allocation of Open Space and Common Recreational Facilities

1. Each residential planned development containing 12 or more dwelling units shall allocate and provide open space and common recreational facilities which, at a minimum, comply with the following formula:

**DENSITY (UNITS PER ACRE, TO THE NEAREST TENTH) X 1.65 =
PERCENTAGE OF GROSS LAND REQUIRED FOR OPEN SPACE/
RECREATIONAL AREA**

2. Except as otherwise permitted under Subsection (4) of this Section (G), the following do not qualify as required open space or common recreational facilities:
 - a. Rights-of-way;
 - b. Required setback areas;
 - c. Drainage easements;
 - d. Vehicle parking areas;
 - e. Landscaped entry features;
 - f. Landscape planters located along major thoroughfares or collector streets; or
 - g. Any area which is not platted as a separate lot, unless it is made available for public use by means of an appropriate access and use easement.
3. Any area allocated for public multi-use trails may be counted toward the requirement for open space and common recreational facilities unless it is not intended for open space or common recreational facilities as indicated on the list of exclusions for the trail area.
4. Any area allocated for streetscape within a subdivision may be counted toward the requirement for open space and common recreational facilities if:
 - a. The streetscape conforms to the following:
 - 1) A minimum of one (1) twenty four inch (24") tree shall be provided for every thirty feet (30') of gross frontage, with a maximum distance of thirty feet (30') on-center between any such tree and the tree nearest to it, whether on the same or different lot;
 - 2) A minimum of four (4) shrubs, each with a minimum size of five (5) gallons, shall be provided for every tree; and
 - 3) Bare soil is not permitted. Any streetscape area not covered by vegetation must contain a minimum of two inches (2") of rock mulch or decomposed granite.
 - b. Where practical, such streetscape is provided on both sides of the street on all internal streets within the subdivision;

- c. The area allocated for streetscape is not less than five feet (5') in width, and is directly adjacent to the sidewalk or curb; and
 - d. The area allocated for streetscape is dedicated as a common lot and maintained by an owners' association.
- 5. Open space and common recreational facilities shall be configured so as to permit optimal utilization and shall be more or less centrally located so as to be reasonable and readily accessible from all residences built or proposed for the development. A sidewalk system shall be provided to connect all residential areas to required open space and common recreational facilities. Easy and safe shortcut access to such facilities (or to any adjacent trail system, public park or public recreational facility) should be provided by means of alleyways or pathways that:
 - a. Are cleared and provide for the safe passage of pedestrians or bicycle traffic only, or both;
 - b. Are improved, either with or without paving;
 - c. Have minimum widths as follows:
 - 1) When lined on at least one side with a solid wall of a height not greater than forty-two (42) inches, a minimum width of five (5) feet;
 - 2) In any other case in which the alleyway or pathway does not exceed one hundred sixty (160) feet in length, a minimum width of ten (10) feet; or
 - 3) In the case of an alleyway or pathway that exceeds one hundred sixty (160) feet in length, a minimum width of ten (10) feet, plus one (1) additional foot in width for each additional eight (8) feet in length beyond one hundred sixty (160) feet.

H. Subdivision Procedure Conformance

A Residential Planned Development shall follow the standard subdivision procedure. The tentative map shall include the public and private street design and dimension, lot design and dimension, location of driveways, buildings, walls, fences, walkways, open space areas, parking areas, drainage information, street names and location of utilities. The final map shall indicate the use, location and dimension of all proposed structures, streets, easements, driveways, walkways, parking areas, recreational facilities, open spaces and landscaped areas.

19.06.050 PD PLANNED DEVELOPMENT DISTRICT

A. Intent of District

The intent of the Planned Development District (PD) District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or multi-use planned development. The rezoning of

property to the PD District may be deemed appropriate if the development proposed for the District can accomplish one or more of the following goals:

1. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
2. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
3. Providing for flexibility in the distribution of land uses, in the density of development, and in other matters typically regulated in zoning districts.
4. Providing for cultural, civic, educational, medical, religious or recreational facilities, or any combination thereof, in a planned or a unique setting and design.
5. Providing for the redevelopment of areas where depreciation of any type has occurred.
6. Providing for the revitalization of designated areas.
7. Promoting or allowing development to occur in accordance with a uniform set of standards which reflect the specific circumstances of the site.
8. Avoiding premature or inappropriate development that would result in incompatible uses or would create traffic and public service demands that exceed the capacity of existing or planned facilities.
9. Encouraging area-sensitive site planning and design.
10. Contributing to the health, safety and general welfare of the community and providing development which is compatible with the City's goals and objectives.

B. Definitions

For purposes of this subchapter:

1. "Master development plan" means a specific written plan and accompanying maps which identify, with respect to a PD District development, the proposed location and size of development parcels, land uses and zoning designations; transportation plans and a traffic impact analysis; open space, community facilities and amenity plans; and the applicable development regulations and design standards.
2. "Development standards" means the minimum
3. m standards for development in the Planned Development District, including but not limited to standards for intensity and type of use; densities; building design, layout, configuration, height, coverage, spacing, bulk and setback requirements; provision for utilities; topography and drainage patterns; signage; open space and landscaping; on-site vehicular and pedestrian circulation and parking; urban design elements and features; and site amenities.

C. Rezoning And Minimum Site Area

Property may be rezoned to the Planned Development District by the City Council in accordance with the requirements of this Chapter and Chapter 19.18.040. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a district development project number or label, along with the designation "PD". The rezoning shall include the adoption of a specific master development plan and development standards.

The minimum site area for a Planned Development District is five acres, except that the City Council may waive this requirement when proper planning justification is shown.

D. Application Requirements

1. In the case of property that is sought to be reclassified to the Planned Development District by the property owner, the owner or authorized representative must meet with the Director of Planning and Development, or the Director's designee, before the City has any obligation to accept the rezoning application as complete.
2. In addition to the submittals required by Chapter 19.18, the following must accompany an application for rezoning submitted by a property owner:
 - a. A metes and bounds description of the proposed Planned Development District.
 - b. A proposed master development plan for the entire site.
 - c. Development standards that are proposed to be applied to the development. The development standards must include provisions regarding the installation of utility boxes and aboveground utilities that are at least as restrictive as those set forth in Section 19.12.050(D).
 - d. Any proposed conditions, covenants and restrictions for the development, including easements and grants for public utility purposes.
 - e. The location of primary and secondary thoroughfares proposed for the development, including right-of-way widths and the location of access points to abutting streets.
 - f. Identification of all rights-of-way, easements, open spaces or other areas to be dedicated, deeded or otherwise transferred to the City.
 - g. A plan for the extension of any necessary public services and facilities, including sewer facilities and facilities for flood control and drainage.
 - h. Guidelines for the physical development of the property, including illustrations of proposed architectural, urban design, landscape, open space and signage concepts.
 - i. The location and description of all buffering that is proposed between the development site and adjacent properties.

- j. Additional information and detail as may be required in order to respond to the unique characteristics of the site and its location.

E. Permitted Uses and Standards

Any combination of residential, commercial, industrial or public uses may be permitted within a specific Planned Development District to the extent they are consistent with the Master Development Plan for that District. The uses to be permitted within the District must be specified in the adopted Master Development Plan for the District. Because of the nature and purpose of the PD District, and notwithstanding any other provision of this Subchapter:

1. An application to rezone property to the PD District may be denied by the City Council, at its complete discretion, if it finds that the proposed development is incompatible or out of harmony with surrounding uses or the pattern of development within the area.
2. No use, type of development or development standard is presumptively permitted within the PD District unless it already has been included in the adopted plan for the District.
3. An application to allow within the PD District a particular use, type of development or development standard which has not already been included in the adopted plan for the District may be denied if it is incompatible or out of harmony with the surrounding uses or the pattern of development within the area.

F. Approval Of Master Development Plan and Development Standards

In connection with the approval of a Planned Development District, the City Council shall adopt a Master Development Plan and Development Standards, which will thereafter govern the development of property within the District. In considering the approval of a Master Development Plan and Development Standards for a Planned Development District, the Planning Commission and City Council shall be guided by the following objectives, and may impose such conditions and requirements deemed necessary to meet those objectives:

1. Consistency of the proposed development with the General Plan; this Title; the Design Standards Manual; the Landscape Wall, and Buffer Standards Manual; and other applicable plans, policies, standards and regulations.
2. Compatibility of the proposed development with adjacent and surrounding development.
3. Minimization of the development's impact upon adjacent roadways and neighborhood traffic, and upon other public facilities and infrastructure.
4. Protection of the public health, safety, and general welfare.

G. Modification of Master Development Plan and Development Standards

The development of property within the Planned Development District may proceed only in strict accordance with the approved Master Development Plan and Development Standards. Any request by or on behalf of the property owner, or any proposal by the City, to modify the approved Master Development Plan or Development Standards shall be filed with the Department of Planning and Development. In accordance with Subsections (1) and (2) of this Section, the Director shall determine if the proposed modification is "minor" or "major," and the request or proposal shall be processed accordingly.

1. **Minor Modification.** A Minor Modification is a modification which is requested or agreed to by the property owner and which is intended to accomplish one or more of the following:
 - a. A change in the location of a use from the location specified in the approved Master Development Plan, but only if the change in location will not have a significant impact on other uses in the area.
 - b. The addition of uses that are comparable in intensity to those permitted in connection with the rezoning approval or the approval of a Master Development Plan for the District.
 - c. A change in parking lot layout, building location or other similar change that conforms with the intent of the previously approved Master Development Plan and Development Standards.
 - d. A change in the species of plant material proposed for the District.
 - e. A decrease in the density or intensity of development from that previously approved for the District.
 - f. Any other change or modification of a similar nature which the Director determines will not have a significant impact on the District or its surroundings. A Minor Modification shall be reviewed and acted upon administratively by the Director. An applicant who is aggrieved by the Director's decision may appeal that decision to the Planning Commission by filing a written appeal with the Department no later than 10 days after the date the applicant receives notice of the administrative decision.
2. **Major Modification.** A Major Modification includes any modification which does not qualify as a Minor Modification. A Major Modification shall be processed in accordance with the procedures and standards applicable to a rezoning application, as set forth in Sections (H) to (M), inclusive, of Subchapter 19.18.040.

H. Site Development Plan Review

All development within a PD District is subject to the site development plan review procedures set forth in Subchapter 19.18.050.

I. Issue Resolution -- Analogous Standards

With regard to any issue of land use regulation that may arise in connection with a Planned Development District and that is not addressed or provided for specifically in this subchapter or in the approved Master Development Plan and Development Standards for that District, the Director may apply by analogy the general definitions, principles, standards and procedures set forth in this Title, taking into consideration the intent of the approved Master Development Plan and Development Standards.

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19.06.060 DOWNTOWN OVERLAY DISTRICT

A. Intent

The intent of the Downtown Overlay District is to establish special design standards for development within the City's established urban core. The boundaries of the District shall be as indicated at the end of this Subchapter 19.06.060.

B. Downtown Design Standards

Development within the Downtown Overlay District shall conform to the Downtown Las Vegas Design Standards (the "Design Standards"), which are included within the Las Vegas Downtown Centennial Plan and which are adopted and incorporated by this reference. The Design Standards (whether published separately or not) shall be on file in the Office of the City Clerk and in the Planning and Development Department. The Design Standards include standards relating to urban design; site planning; transportation and parking; streetscape architecture; signage; and landscaping for properties throughout the District. The Design Standards are mandatory and shall apply to any property and zoning category within the District. The Design Standards may be amended from time to time by ordinance or by resolution of the City Council. If the City Council adopts more restrictive design standards for one or more sub-districts within the Downtown Overlay District, those more restrictive standards shall apply to the sub-district to which they pertain.

C. Special Provisions

In order to encourage the development of a complex, visually interesting and urbane walkable mixed-use environment, and to encourage transit-oriented development as future transit routes and stations develop within the Downtown area, properties within the Downtown Overlay District are exempt from the automatic application of the mandatory maximum building height, required building setback, maximum lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements in Subchapter 19.08.040, Subchapter 19.08.050, Subchapter 19.08.060, Chapter 19.10, and Chapter 19.12. However, the exemption does not prohibit City staff, the Planning Commission, and the City Council from imposing limitations on the approval of a Site Development Plan. Site Development Plan applications within the Downtown --Overlay District shall be evaluated on a case-by-case basis to determine the extent to which those standards shall be required.

19.06.070 G-O GAMING ENTERPRISE OVERLAY DISTRICT**A. Intent**

The intent of the Gaming Enterprise Overlay District is to reflect the implementation of the provisions of LVMC Chapter 6.40 and State law that pertain to gaming enterprise districts. The boundaries of the Gaming Enterprise Overlay District are as set forth in the map or maps established under LVMC Chapter 6.40.

B. Change Of Boundaries

Any change to the boundaries of the Gaming Enterprise Overlay District shall be in accordance with the rezoning procedures established in LVMC 19.18.040, as well as the requirements of State law and LVMC 6.40.160.

19.06.080 A-O AIRPORT OVERLAY DISTRICT**A. Establishment**

1. There is hereby established an Airport Overlay District which consists of those certain areas that are delineated on the following maps:
 - a. The McCarran International Airport Official Airspace Zoning Map; sheet number three, prepared by the Clark County Airport Engineering Department, dated July 18, 1990; hereafter known as the "McCarran Airport Overlay Map" and;
 - b. The North Las Vegas Air Terminal Official Airspace Zoning Map, consisting of one sheet, prepared by the Clark County Airport Engineering Department, dated July 18, 1990; hereafter known as the "North Las Vegas Airport Overlay Map".
2. An area which is identified on more than one airport map is considered to be only in the map with the more restrictive height limitations.
3. Copies of the "McCarran Airport Overlay Map" and the "North Las Vegas Airport Overlay Map," are maintained in the Department of Planning and Development.

B. Airport Height Limitations

Except as otherwise provided in this subchapter, no structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations depicted in the maps adopted herewith. All development within the airspace above the height of 35 feet above the surface of the land, lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces, shall be subject to the height standards established on the Airport Overlay Maps. However, nothing in this subchapter shall be construed as prohibiting

the construction or maintenance of any structure to a height up to 35 feet above the surface of the land on any parcel.

C. Aviation Easement

The issuance of a building permit for construction on property within the Airport Overlay District may be conditioned upon the property owner's signing of an aviation easement.

D. Planning Commission Review And Approval

Except as provided in Section 19.06.080(E), any new construction or alteration of any existing structure on a parcel located within the Airport Overlay District must first be approved by the Planning Commission if such construction or alteration exceeds any of the following height standards:

1. Two hundred feet above the ground level at its site;
2. The plane of an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of any airport subject to the provisions of this subchapter;
3. For highways, railroads and other traverse ways for mobile objects; if construction or alteration is of greater height than the standards set forth in Subsection (1) or (2) above, after their height has been adjusted upward for the appropriate traverse way as follows:
 - a. For interstate highways: 17 feet;
 - b. For any other public roadways: 15 feet;
 - c. For any private road: 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater;
 - d. For any railroad: 23 feet;
 - e. For a waterway or any other unspecified traverse way: the height of the highest mobile object that would normally use the traverse way.
4. Any construction or alteration that would be in an instrument approach area and available information indicates the height might exceed any FAA obstruction standard.

E. Allowable Construction

Planning Commission review may be waived for construction or alteration of any of the following:

1. An object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographical features of equal or greater height, and would be located in the congested area of the City where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation;

2. An antenna structure of 20 feet or less in height above ground level;
3. An air navigation facility, airport visual approach or landing aid, aircraft arresting device or meteorological device of a type, the location and height of which is fixed by its functional purpose.

F. Use Restrictions

Notwithstanding any other provision of this subchapter, no use may be made of land or water within any zone established by this subchapter in such a manner as to create electrical interference with navigation signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport, or which in any way compromises public safety.

G. Non-Conforming Uses

1. The regulations prescribed by this subchapter shall not be construed to require the removal, lowering or other change or alteration of any structure not conforming to the regulations as of the effective date of this subchapter, or otherwise interfere with the continuance of a non-conforming use. Nothing contained in this subchapter shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this subchapter and is diligently prosecuted.
2. Notwithstanding the preceding provisions of this subchapter, the owner of any existing non-conforming structure may be required to install, operate and maintain thereon such markers and lights as may be deemed necessary by the aviation authority having jurisdiction to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction.

H. Special Use Permit

1. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in a manner which would exceed the limitations of this subchapter may apply to the Planning Commission for a Special Use Permit. The Special Use Permit application shall be processed in accordance with the Special Use Permit procedures set forth in Subchapter 19.18.060, except that:
 - a. The applicant shall notify the FAA regional office and the Clark County Department of Aviation of the application prior to the time of submission; and
 - b. Any approval by the Planning Commission must be referred automatically to the City Council for final disposition.

2. Notwithstanding the preceding provisions of this subchapter, no Special Use Permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this subchapter or any amendment thereto.

19.06.090 H HISTORIC DESIGNATION

A. Findings

The City Council of the City of Las Vegas finds and declares that the spirit and direction of the City of Las Vegas are founded upon and reflected in its historical past, and that the historic and cultural foundations of the City should be preserved as a living part of its community life and development in order to give a sense of identity and orientation to the people of the City.

B. Purpose And Intent

The intent of this Subchapter is to promote the public welfare by providing protection for significant properties and archaeological sites which represent important aspects of the City's heritage; to enhance the character of the community by taking such properties and sites into account during development; and to assist owners in the preservation and restoration of their properties. This Subchapter is intended to balance two competing interests: the value to the community of these significant properties and sites, and the rights of the property owners whose interests are at stake. The designation of any property, district or site pursuant to this Subchapter shall be an overlay designation and shall not inhibit existing or potential uses permitted by this Title.

C. Historic Preservation Commission - Established

The Las Vegas Historic Preservation Commission (HPC) is hereby established. The principal role of the HPC is to act in an advisory capacity to the Planning Commission and the City Council in all matters concerning historic preservation. The HPC shall make recommendations to the Planning Commission regarding designation of Landmarks, Historic Properties and Historic Districts. Other actions of the HPC as set forth below shall be final, with appeal to the City Council as described in Section (M) of this Subchapter.

D. Historic Preservation Commission - Membership

The HPC shall consist of eleven voting members who are appointed by the City Council and two ex-officio members.

1. Each voting member must have a demonstrated interest in or knowledge of:
 - a. The history of the City of Las Vegas;
 - b. Design, architecture, real estate and other matters relevant to judging the economic and cultural value of particular historic preservation activities.

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2. The term of each voting member is four years.
3. Voting members may be reappointed.
4. Members serve at the pleasure of, and may be removed by, the City Council, including for failure to attend meetings regularly.
5. Members shall serve without compensation.

E. Historic Preservation Commission - Qualifications

The membership of the HPC shall be as follows:

1. One member must be experienced in architecture (such as an architect, art historian or historic preservation architect).
2. One member must be experienced in urban design or planning (such as an urban designer, planner or landscape architect).
3. One member must be experienced in building construction (such as a building contractor or structural engineer).
4. One member must be experienced in the real estate profession (such as a real estate developer, appraiser or broker).
5. One member must be representative of a recognized local historic preservation association or historic preservation interest group.
6. One member must be experienced in Nevada history (such as an historian or archeologist).
7. Five members must be citizens at-large. When one or more areas have been designated as "Historic Districts" pursuant to this Subchapter, one of the "at-large" positions shall pertain to each such Historic District. For any Historic District, the corresponding "at large" position shall be filled by a person who owns real property and resides within the Historic District, if a person so qualified is available to serve. If no such person is available, a person who owns real property within the Historic District may fill that position. If more than five Historic Districts have been designated as such pursuant to this Subchapter, the City Council shall determine which five of the Historic Districts are to be represented on the HPC.
8. The Director of Planning and Development, or the Director's designee, shall serve as an ex-officio member, with no vote except as otherwise provided in this Subchapter.
9. The Director of the Nevada State Museum and Historical Society, or other designee of the State Historic Preservation Office (SHPO), shall serve as an ex-officio member, with no vote except as otherwise provided in this Subchapter.

F. Historic Preservation Commission - Organization

1. The HPC shall elect, from within its own membership, a chair, vice-chair and such other officers as it deems useful, and shall adopt such bylaws and rules of procedure consistent with this Subchapter as the Commission deems necessary.
2. The Department of Planning and Development shall provide administrative and clerical support for the HPC.
3. Regular and special meetings of the HPC shall be held as set forth in the bylaws and as necessitated by the Commission's volume of business. If no meeting has been scheduled to occur within forty days after the Chairman has been notified by the Secretary of Business requiring action by the HPC, the Chairman shall call a special meeting to be held within that period.
4. The HPC shall maintain written minutes and records sufficient to inform the public of its business and shall report its business to the City Council as the Council from time to time may request.
5. Six members of the HPC constitute a quorum thereof for the purpose of conducting business. A majority vote of those present and voting shall be necessary to approve any item of business.
6. In the event that a quorum is not available for the conduct of business, an ex-officio member or the Historic Preservation Officer (or any combination thereof) may vote, but only concerning matters on the consent agenda and only to the extent necessary to create or maintain a quorum.

G. Historic Preservation Commission - Powers, Etc.

The powers, duties and activities of the HPC include the following:

1. Reviewing applications for the designation of Landmarks, Historic Properties and Historic Districts, and making recommendations to the Planning Commission concerning those applications. The review shall be in accordance with Section (I) of this Subchapter.
2. Reviewing and making decisions concerning applications for the proposed construction, alteration, demolition or removal of any structure associated with a Landmark or Historic Property or located on property within an Historic District. The review and decision making process shall be in accordance with Sections (K) and (L) of this Subchapter.
3. Making recommendations to the City Council concerning the use of public or private funds to promote the preservation properties and districts within the City, including the acquisition of property or interests in property.
4. Recommending appropriate changes to the General Plan and to local development regulations in order to promote the purposes of this Subchapter.
5. Cooperating with owners of property to formulate appropriate design guidelines for alteration and construction within Historic Districts.

6. Initiating and conducting detailed studies and surveys of properties, structures, and areas within the City to assess their potential for designation in order to formulate an Historic Preservation Plan for the City.
7. Developing and participating in public information activities in order to increase public awareness of the value of historic preservation.
8. Performing such other functions as will encourage or further the interests of historic preservation.

H. Historic Preservation Officer

The Director of Planning and Development shall appoint an Historic Preservation Officer (HPO), who must have a demonstrated interest in historic preservation and be a qualified professional in one or more pertinent fields such as architecture, urban design, archaeology, cultural geography, landscape architecture or land use planning. The duties of the HPO shall include:

1. Serving as Secretary to the HPC, facilitating its efforts and, with other City staff as necessary, providing administrative support.
2. Accepting applications under Subsections (1) and (2) of Section (G).
3. Acting as intermediary between the HPC and City departments.
4. Providing technical and background information to the HPC and the public, as required.
5. Acting as the approval authority concerning applications for the proposed construction, alteration, demolition or removal of structures associated with a Landmark, Historic Property or Historic District, when the proposed work is, in the HPO's judgment, minor in nature and impact or the need to act immediately is necessary to protect life or property. The review and decision making process shall be in accordance with Sections (K) and (L) of this Subchapter.
6. Reporting to the HPC any action taken pursuant to Subsection (5) of this Section.
7. Preparing annual written reports of HPC activities to be submitted to the State Historic Preservation Office (SHPO) and made available to the public. The reports should include, at a minimum, the minutes of meetings and attendance records of members; current resumes of members; and a listing of items reviewed, decisions rendered and other projects and activities undertaken.
8. Maintaining the Las Vegas Historic Property Register.

I. Designation of Landmarks, Historic Properties and Historic Districts

1. An individual property, building, structure or archeological site may be designated as a Landmark or Historic Property if it qualifies under Paragraph (a), (b) or (c) below:
 - a. It meets the criteria for listing on the State or National Register of Historic Places.

- b. It is determined to be of exceptional significance and expresses a distinctive character because:
 - 1) A significant portion of it is at least fifty (50) years old;
 - 2) It is reflective of the City's cultural, social, political or economic past; and
 - 3) Either:
 - a) It is associated with a person or event significant in local, state or national history; or
 - b) It represents an established and familiar visual feature of an area of the City because of its location or singular physical appearance.
 - c. It is less than fifty (50) years old, but is an integral and critical part of an Historic District or demonstrates exceptional importance by meeting or exceeding the other criteria described in Paragraph (a) or Paragraph (b) of this Subsection. This type of structure or property is eligible for classification as a Landmark. At such time as it becomes 50 years old, it will automatically be reclassified as an Historic Property.
2. An area may be designated as an Historic District if:
- a. The area:
 - 1) Includes a substantial concentration of properties, buildings or structures which individually meet the criteria in Subsection (1) of this Section, as well as other properties, buildings or structures which contribute generally to the overall distinctive character of the area and are united historically or visually by plan or physical development;
 - 2) Is bounded by documented historic boundaries such as early roadways, canals, subdivision plats or property lines, or by boundaries which coincide with logical physical or man-made features and reflect recognized neighborhood or area boundaries; and
 - 3) Includes non-contributing properties or vacant parcels only to the extent necessary to establish appropriate, logical or convenient boundaries; or
 - b. The area includes or is composed of one or more archeological sites.
3. Designation Process:
- a. The designation of a Landmark, Historic Property or Historic District may be made upon application by the owner of any property proposed to be designated or included in such designation, or by an authorized representative of the City. Application shall be made to the HPO on such form(s) as may be established for the purpose, and the application shall be accompanied by such fee(s) as may be established by the City Council.
 - b. An application for designation shall also be accompanied by:

- 1) A vicinity ownership map showing all parcels which are adjacent to, include or surround the property proposed to be designated within a radius of three hundred (300) feet of the external boundaries of the property. Each such parcel shall be numbered so as to correspond to the ownership/tenant list described in Subparagraph 2.) of this Paragraph below.
 - 2) A typed or legibly printed list, compiled from an authoritative source, containing the names, mailing addresses and zip codes of the following, along with the corresponding identifying numbers referred to in Subparagraph 1.) of this Paragraph above:
 - a) The owners of all parcels described in Subparagraph 1.) of this Paragraph above; and
 - b) Any tenants of the parcels described in Subparagraph 1.) of this Paragraph above, to the extent their names and addresses can practicably be obtained.
 - 3) An accurate legal description and Assessor's Parcel Number (APN) for all parcels proposed for designation.
 - 4) A written description of the manner in which the property proposed for designation is eligible and appropriate for designation under this Section.
- c. Upon receipt of a complete application package, the HPO shall schedule the application for a public hearing on the next available agenda of the HPC. Upon the request of the applicant, a special meeting may be called at the discretion of the Chair of the HPC, or by at least four (4) voting members of the HPC.
 - d. In connection with the HPC's consideration of the application, the HPO shall compile and provide to the HPC a complete report concerning the property proposed for designation. The report shall address the location, condition, age, significance and integrity of historic features; identify potential contributing and non-contributing properties; provide other relevant information; and include a recommendation concerning the application and the basis therefore.
 - e. Based upon its consideration of the HPO's report concerning an application, along with any evidence or input offered at the public hearing, the HPC shall evaluate the application with reference to the applicable criteria set forth in Subsections (1) and (2) of this Section and make a recommendation to the Planning Commission. A recommendation for approval may include any conditions the HPC deems appropriate in order to implement the provisions and intent of this Subchapter.
 - f. Except as otherwise provided in this Subchapter, the standards for consideration and action on an application by the HPC shall also apply to subsequent action by the Planning Commission and City Council, and the procedures for subsequent action on an application by the Planning Commission and City Council shall be consistent with the rezoning procedures described in Subchapter 19.18.040 of the Zoning Code.

- g. A recommendation by the HPC for approval of a designation under this Subchapter shall be void if the designation has not been approved by the City Council within one (1) year after the HPC's recommendation.

4. Public Notification Concerning Designation Applications:

At least fifteen (15) calendar days before the HPC holds a public hearing on an application for designation, the Planning and Development Department shall:

- a. Mail written notice of the date, time and place of the hearing, along with a summary of the application, to the persons whose names and addresses are provided by the applicant pursuant to Subsection (3) of this Subchapter. Such notice is complete upon mailing. The HPC may delay a hearing for additional notification if it appears that the applicant or the City did not use reasonable diligence in providing a notification list or in mailing notice.
- b. Post notice of the hearing, visible from a public way and clearly legible, containing the date, time, and place of the hearing, and a summary of the application. For a Landmark or Historic Property application, the notice shall, wherever possible, be placed adjacent to the public right-of-way. For an Historic District, the notice shall, wherever possible, be placed at no fewer than four (4) conspicuous locations either within or at the external boundaries of the area. The posting of any such notice is complete upon initial posting.
- c. Publish notice of the date, time and place of the hearing, along with a summary of the application, in a newspaper of general circulation within the City.

5. Planning Commission and City Council Action:

- a. Upon receipt of a recommendation from the HPC concerning a designation, the Planning Commission shall hold a public hearing to consider the application. If the date and time of the Planning Commission hearing are announced at the HPC hearing concerning the designation, no additional notification is required. Otherwise, notification for such hearing shall be as described in Subsection (4) of this Section, above. Following the public hearing, the Planning Commission may do any of the following:
 - 1) Adopt the recommendation of the HPC and forward that recommendation to the City Council;
 - 2) Modify the recommendation of the HPC and forward that recommendation to the City Council as modified;
 - 3) Recommend denial of the application to the City Council; or
 - 4) Remand the request to the HPC for further proceedings.
- b. Upon receipt of a recommendation from the Planning Commission concerning a designation, the City Council shall hold a public hearing to consider the application. If the date and time of the City Council hearing are announced at the Planning Commission hearing concerning the designation, no additional notification is required. Otherwise, notification for such hearing shall be as described in Subsection (4) of this Section,

above. Notwithstanding any other provision of this Paragraph (b), the designation of an Historic District must be done in accordance with NRS 384.005. Following the public hearing, the City Council may do any of the following:

- 1) Approve the designation in accordance with the recommendation of the Planning Commission;
 - 2) Modify the recommendation of the Planning Commission and approve the designation in accordance with the modifications;
 - 3) Deny the application; or
 - 4) Remand the application to the Planning Commission or the HPC for further proceedings.
- c. In the case of an application for designation of an Historic District, if the owners of twenty (20) percent or more of the area of the parcels included in the proposed district and those which are adjacent thereto protest the proposed designation in writing, the designation shall not become effective except by the favorable vote of three-fourths (3/4) of the entire membership of the City Council. If any member of the City Council is unable to vote on an application because of conflict of interest, the required number of favorable votes to approve the designation shall be threefourths (3/4) of the remaining membership of the Council, but in no event shall the required number of votes be less than a majority of the entire membership of the Council. For purposes of this Paragraph (c):
- 1) A parcel is “adjacent” to the proposed district if it is not separated from the boundary of the proposed district by a public right-of-way and is within one hundred fifty (150) feet of the boundary.
 - 2) A parcel is “adjacent” to the proposed district if it is separated from the boundary of the proposed district by a public right-of-way and is within one hundred fifty (150) feet of the frontage of the intervening right-of-way.
 - 3) In calculating “area” for protest purposes, the area of an “adjacent” parcel shall be deemed to include only the area located within the one hundred fifty (150) foot distances referred to in this Paragraph (c).
 - 4) A written protest is effective only if it is filed with the City Clerk prior to or at the time of the public hearing before the City Council.

6. Effect of Designation:

- a. The designation of a Landmark, Historic Property or Historic District shall be indicated by the “H” symbol on the zoning maps of the City. The use and development of property affected by a designation shall be governed by this Subchapter and applicable Design Guidelines adopted thereunder, as well as by the regulations pertaining to the underlying zoning classification(s) for the property, other provisions of the Zoning Code, the City’s subdivision regulations and the General Plan.

- b. After the designation of an Historic District, and in order to preserve and enhance the distinctive character of that District, the HPC shall, after opportunity for input from property owners within the District, recommend for adoption by the City Council Design Guidelines to apply to alterations of contributing properties and to all new construction within the District.
 - 1) Design Guidelines are intended to address exterior features and characteristics only, such as building materials, massing, scale and proportion of openings and other features, orientation and relative position of buildings and landscape character, as well as specific aspects such as roof forms, textures, color theme, character of signage, window and door types, and other details relative to architectural styles evident in the District.
 - 2) Design Guidelines generally will not regulate maximum building height, maximum lot coverage, minimum setbacks, required landscaping, required parking, allowable signs, or other development aspects addressed elsewhere in the Zoning Code, except when compatibility with existing historical patterns requires specific design guidelines.
 - 3) Following designation of an Historic District, but before Design Guidelines can be established for the District, the HPC may require that development in the District conform to such established or recognized standards as the HPC deems appropriate.
7. Removal of designations established under this Subchapter shall be in accordance with the procedure set forth for designation.
8. No nomination for designation or removal of designation under this Subchapter shall be acted upon within one year after any previous such nomination.

J. Historic Property Register

The Las Vegas Historic Property Register is hereby established for the purpose of listing the Landmarks, Historic Properties, and Historic Districts designated under the provisions of this Subchapter. The Register, as it may be amended from time to time, shall serve as the official record of all such designations and shall be maintained by the HPO. Copies of the Register shall be made available for public inspection in the offices of the Planning and Development Department and the City Clerk.

K. Guidelines, Standards and Process for Review of Alteration or New Construction

1. Whenever it is proposed to alter, remodel, build, or otherwise develop or landscape property that is designated as a Landmark or Historic Property, or that is located within a designated Historic District, and a building permit or other development or zoning permit is required for such work, the applicant must first obtain the approval of the HPC in accordance with this Subchapter. In the case of proposed work which, in the HPO's judgment, is minor in nature and impact, the HPO shall be the approval authority. Approval pursuant to this Section

indicates conformance with the provisions and intent of this Subchapter only and does not constitute or imply approval by any City department or other approval authority having jurisdiction.

2. In order to obtain review pursuant to this Section, the applicant must submit to the HPO the following:
 - a. An application, on such form(s) as may be established for the purpose;
 - b. Such fee(s) as may be established by the City Council for the application;
 - c. Drawings, to approximate scale, of the site plan, floor plan(s) and elevations of the proposed work of improvement, indicating materials and color scheme;
 - d. If signage is part of the proposed work, drawings, to approximate scale, showing the size and location of proposed signage, type of lettering to be used and indication of color and type of illumination, if any; and
 - e. Other information which the applicant deems appropriate or which the HPO may reasonably deem necessary in connection with the review of the application.
3. An application for review under this Section, when deemed complete, shall be acted upon within a reasonable period of time. In the case of an application to be considered by the HPC as the approval authority, the application shall be included on the next available agenda.
4. The approval authority shall consider the application with reference to the objectives of this Subchapter. The approval authority may deny an application upon determining any of the following:
 - a. That proposed work on any portion of a Landmark or Historic Property will not be compatible with the recognized distinctive character of the overall property.
 - b. That proposed work on any portion of a contributing property within an Historic District will not be compatible with the recognized distinctive character of the property itself, with the character of the entire District, or with the Design Guidelines that have been adopted for the District.
 - c. That major new construction proposed for non-contributing properties within an Historic District will not be compatible with the recognized distinctive character of the entire District or with the Design Guidelines that have been adopted for the District. For purposes of this Paragraph, new construction is "major" if such construction, including general landscape character, equals or exceeds twenty-five (25%) percent of the land area of a parcel without a building or of the building ground floor area of a parcel with a building, at the time of the property's identification as non-contributing.
 - d. That, in cases where Federal funds, in the form of grants, tax incentives or other programs, are to be employed, directly or indirectly, in financing the proposed work, the work will not comply with the Standards for the Treatment of Historic Properties, as promulgated by the U.S. Secretary of the Interior.

5. The approval authority may approve, conditionally approve or deny an application, or continue consideration thereof for further study. The HPO shall provide the applicant with notice of action taken, along with an explanation of any reasons therefore and conditions attached thereto.
6. An approval pursuant to this Section shall be valid for a period of one year, unless otherwise specified in the approval.

L. Demolition and Removal

1. Whenever it is proposed to demolish or remove a structure or feature constituting or associated with a Landmark or Historic Property, or one that is located within a designated Historic District, and a demolition or other permit or approval is required for such work, the applicant must first obtain the approval of the HPC in accordance with this Subchapter. In the case of proposed work which, in the HPO's judgment, is minor in nature and impact, or is necessary immediately in order to protect life or property, the HPO shall be the approval authority. Approval pursuant to this Section indicates conformance with the provisions and intent of this Subchapter only and does not constitute or imply approval by any City department or other approval authority having jurisdiction.
2. In order to obtain review pursuant to this Section, the applicant must submit to the HPO the following:
 - a. An application, on such form(s) as may be established for the purpose;
 - b. Such fee(s) as may be established by the City Council for the application;
 - c. Photographs of the property depicting its current appearance;
 - d. A preliminary plan of redevelopment for the parcel indicating an intended use that is in compliance with the General Plan, existing or proposed zoning, other applicable regulations and Section (K) of this Subchapter;
 - e. If economic hardship relief is requested, documentation in support of the request; and
 - f. Other information which the applicant deems appropriate or which the HPO may reasonably deem necessary in connection with the review of the application.
3. An application for review under this Section, when deemed complete, shall be acted upon within a reasonable period of time. In the case of an application to be considered by the HPC as the approval authority, the application shall be included on the next available agenda.
4. The approval authority shall consider the application with reference to the objectives of this Subchapter. The approval authority may deny an application upon determining either of the following:

- a. That the structure or feature proposed for demolition or removal is of historic or architectural value or significance and contributes to the distinctive character of the property;
 - b. That loss of the structure or feature would adversely affect the integrity or diminish the distinctive character of an Historic District.
5. The approval authority may approve, conditionally approve or deny an application, or continue consideration thereof for further study. The HPO shall provide the applicant with notice of action taken, along with an explanation of any reasons therefore and conditions attached thereto.
6. Economic Hardship:
 - a. An application for demolition or removal may be accompanied by a request for economic hardship relief which, if granted, allows demolition or removal which otherwise would not be permitted.
 - b. Economic hardship relief may be granted by the approval authority as follows:
 - 1) In the case of income producing property, when the applicant demonstrates that requiring the property to retain the features that contribute to its distinctive character, whether the property is left in its present condition or is rehabilitated by the owner or a potential buyer, will not permit the owner a reasonable rate of return.
 - 2) In the case of non-income producing property, when the applicant demonstrates that the property has no reasonable use as a single-family dwelling or for an institutional use in its present condition, or if rehabilitated, either by the current owner or a potential buyer.
 - c. For purposes of Paragraph (b) above:
 - 1) Non-income producing property consists of owner-occupied single-family dwellings and non-income producing institutional properties; and
 - 2) Income producing property consists of all other properties.
 - d. Economic hardship relief is not available to an owner who has:
 - 1) Engaged in willful or negligent acts destructive to the property;
 - 2) Purchased the property for substantially more than the market value;
 - 3) Failed to perform ordinary maintenance and repair; or
 - 4) Where applicable, failed to diligently solicit and retain tenants or provide normal tenant improvements.
7. An approval pursuant to this Section shall be valid for a period of one year, unless otherwise specified in the approval.

8. If an application for demolition or removal is denied by the HPC, the City may deny a permit for such activity for up to one hundred eighty (180) days from the date on which the application was denied. It is unlawful to demolish or remove a structure or feature which is subject to this Section (L) without a permit to do so under this Subchapter and other applicable ordinances.
 - a. During the period of restraint on demolition or removal, the HPC and HPO will endeavor to secure whatever assistance may be feasible to effect the preservation of the property, including economic assistance, acquisition, purchase of a preservation easement; or location of a buyer who, upon purchase at terms agreeable to the owner, will enter into a preservation covenant with the City for a period of at least five years.
 - b. If the HPC or HPO is unable to secure such assistance within the period of restraint, the proposed demolition or removal will be allowed, subject to the issuance of appropriate permits by the Building Official.
9. If the Building Official finds that a designated property is an imminent hazard to life or property and, after consultation with the HPO and the SHPO, determines that repairs or relocation would not be appropriate or feasible, the HPO shall approve the necessary demolition or removal, subject to issuance of appropriate permits by the Building Official.

M. Appeal and Review

1. The applicant for an approval under Section (K) or Section (L) of this Subchapter may appeal any decision of the HPC to the City Council by filing written notice of appeal with the City Clerk within ten (10) working days after the date of the HPC's action. The appeal must be accompanied by the fee, if any, which has been established by the City Council.
2. In addition, with respect to any approval by the HPC of an application under Section (K) or Section (L) of this Subchapter, the Director of Planning and Development or any member of the City Council may file a request for review within that 10-day period.
3. The City Clerk shall set the date for a public hearing on the appeal or review, and notice of the hearing shall be published in a newspaper of general circulation at least seven (7) days before the hearing.

N. Maintenance and Repair

1. The owner is responsible for ordinary maintenance and repair of a designated property. Such maintenance and repair may be performed without specific approval from the HPO or the HPC if such maintenance or repair does not significantly alter the features which contribute to the distinctive character of such a designated property.
2. The owner of a designated property shall not permit the property to fall into a state of disrepair so as to result in the deterioration of any significant exterior feature which would have a detrimental effect on the distinctive character of the property itself or that of an Historic District in which the property is located.

3. Examples of deterioration which the owner of the designated property is responsible under this Section to prevent include, but are not limited to, the following:
 - a. Excessive erosion, reverse drainage, and other preventable site conditions which may adversely affect significant buildings and structures;
 - b. Loss of structural integrity due to deterioration of footings, load-^l columns, beams, trusses, or other support members; Adopted March 1997
 - c. Weathering or damage to exterior elements such as wall and roof surfaces, chimneys, balustrades, doors, windows, and other architectural features;
 - d. Loss of weather-tightness or security due to any of the above;
 - e. Deterioration resulting in a hazardous condition which would warrant demolition in the interest of public safety.
4. In order to avoid demolition necessitated by the failure to prevent any deterioration described in Subsection (3) of this Section, the City may effect repairs to a Landmark, Historic Property or contributing property within an Historic District and assess the cost of such repairs to the property in the same manner and with the same effect as is available for the abatement of nuisances in Section 9.04.080 et seq.
5. For purposes of evaluating deterioration under this Section, the condition of the property at the time of its designation shall be the standard of reference.
6. Enforcement of this Section shall be the responsibility of the City Manager or designee.

O. Incentives

It is the intent of the City that Landmarks, Historic Properties and properties within an Historic District be beneficial to their respective owners, as well as to the community. In addition to the intangible benefits of owning a property recognized as an important community resource, other potential benefits can be made available by the City. The HPO and the HPC are authorized, when possible and appropriate, to provide such owners with the following:

1. Assistance in locating potential sources of financial assistance and tax credits;
2. Assistance in preparing grant applications and seeking potential third party sponsorship;
3. Technical information and referrals;
4. Assistance in locating buyers and sellers;
5. Assistance, through the Neighborhood Services Department, in the formulation and operation of a neighborhood association;
6. Assistance in obtaining other benefits as may become available through the City or other sources.

P. Violations

1. It is unlawful for any person to construct, alter, demolish, remove or fail to maintain a structure, property or portion thereof in violation of this Subchapter.
2. In addition to and independent of a misdemeanor prosecution for violations under this Subchapter, the City may pursue any available civil remedy to enforce compliance.
3. In connection with any criminal prosecution or civil remedy, the person responsible for a violation may be required to restore a structure or property to its condition just previous to the violation.

Q. Definitions

For purposes of this Subchapter, the following terms have the meanings ascribed to them:

Alteration: Any aesthetic, architectural, mechanical, or structural change or addition to the exterior surface of any significant part of a designated property.

Approval authority: The HPC or the HPO, as indicated in this Subchapter.

Compatibility: A pleasing visual relationship between elements of a property, building or structure; among properties, buildings and structures; or with their surroundings. Aspects of compatibility may include, but are not limited to, proportion, rhythm, detail, texture, material, reflectance and architectural style.

Demolition: The act or process that destroys a structure or feature associated with a designated property.

Distinctive Character: The distinguishing architectural and aesthetic characteristics of a Landmark or Historic Property, or those generally found throughout an Historic District, which fulfill the criteria for designation.

Ordinary Maintenance and Repair: Regular or usual care, upkeep, repair or replacement of any portion of an existing property, building or structure in order to maintain a safe, sanitary and stable condition.

Owner: The person(s) listed in the property records of Clark County as having fee ownership of an individual parcel or property.

Property: One or more structures or other improvements, or an archeological site, associated with a particular parcel or location.

Significant: With reference to a property, building or structure, means having aesthetic, architectural or historical qualities of critical importance to its consideration in connection with the designation of property under this Subchapter.

19.06.100 DOWNTOWN CASINO OVERLAY DISTRICT

Ord 5408 1/2/02
Ord 5519 10/2/02

A. Boundaries

There is hereby created the Downtown Casino Overlay District, whose boundaries are depicted in the map that appears below. Within the Downtown Casino Overlay District (referred to in this Subchapter as the "District"), a sub-district is created, to be referred to as the Special Signage Sub-district (or the "Sub-District"), whose boundaries are also depicted in the map that appears below.



**DOWNTOWN CASINO
OVERLAY DISTRICT**



Casino Overlay District



Special Signage Sub-District



125 ft. Buffer *

* Note: Buffer area contains building facades affected by a 125 ft. distance measured from each street centerline bounding the Special Signage Sub-District and the proposed expansion area.

B. Special Sign Standards-Background

The area encompassed by the Downtown Casino Overlay District contributes greatly to the international identity, historical significance, and economic welfare of the City of Las Vegas. One of the key characteristics of this area virtually since its inception is the prominence of neon and illuminated signage, especially within the area encompassed by the Sub-district. Recognizing the unique role of such signage in this context, it is important to provide sign standards that apply only within this District, in order to ensure that future sign development is consistent with the appearance of established signage themes within this District and generates excitement and positive visual interest. The sign standards that follow initially will apply only to property within the Sub-district, with the possibility of expanded application in the future. The sign standards that follow have been developed to promote the general health, safety and welfare of the citizens and visitors, to maintain and enhance the historic Fremont Street sign character, and specifically to address the following issues:

Encourage displays of signage to enhance the District as a nationally recognized place - Although Las Vegas is nationally and internationally renowned for its role as the world's gaming capital, possibly the most visible symbol of this role is the exuberant and abundant signage of its casinos and related businesses. The continued development of more and better signage will continue to enhance this role.

Preserve the tradition of neon art made famous by the casinos of Fremont Street - Of all the types of signage in Las Vegas, neon signage fixtures most prominently in the history of the City and generates the greatest affection of both visitors and local residents. It is important that not only new signage continue this tradition of neon art, but that the remaining and salvaged neon signs be refurbished, preserved and displayed in proximity to the Fremont Street Experience and surrounding area. Maintaining and preserving the history of "Glitter Gulch", which is unique to Las Vegas, is vital to the ongoing sense of community and pride for the City. There will, therefore, be a general expectation that future signage development within the area around the Fremont Street Experience will contribute to the sense of the area as a special place.

Celebrate the best of the sign makers' art - The neon and animated signage displayed within the District represents some of the most complex signage ever produced, and is the state of the sign makers' art at this point in time. It is important that this District continue to provide a forum for cutting-edge signage and displays, particularly in neon and animated forms, which will support and bolster the reputation of Las Vegas in these areas.

Strengthen the standing of the District as an integral and essential component of Downtown Las Vegas - The development of additional signage, particularly in relation to existing, new and future development along the Fremont Street corridor, can enhance the visually exciting character of the existing signage along Fremont Street, including the spectacular canopy shows, if it is illuminated, animated, or neon in character.

Preserve, protect and enhance the historic character of the District - Many of the historically significant signs and displays incorporate distinct and readily identifiable images, such as the famous "Vegas Vic" neon sign. It is important that the future advertising within this area consider the use of iconic images or three-dimensional representations that can be compatible with the established historical context of the District.

Improve the quality and appearance of new development within the District - Advertising signage, particularly that involving the use of neon displays or animated features, can be an excellent way of attracting attention in a positive way to new development within the District. Whereas some areas can be spoiled through signage, the established character of this District, much like Times Square in New York City, can only benefit through enhanced signage on new development and older buildings, provided that new signage is compatible with established, existing signage in the area.

Provide freedom of architectural and artistic expression within the District - One of the hallmarks of casino development in Las Vegas has been the flexibility with which a variety of architectural styles and features have been blended to create a unique urban form. It is important that signage can also be freely designed to create visual interest that matches and supports the architectural interest of the buildings themselves.

Encourage the redevelopment of the area - In order for properties within the District to compete successfully in the regional Las Vegas casino environment, it is vital that redevelopment of vacant or underutilized sites be encouraged by all available means. Although such expansion may include new casino development, redevelopment can also mean other forms of new development, such as retail and freestanding entertainment venues, including new signage that creates a visually exciting and vibrant atmosphere within the District.

Ord 5615 7/16/03

C. Special Sign Standards

1. Signs on parcels within the Sub-district are exempt from the sign regulations contained in the Zoning Code (Chapter 19.14) to the extent that those regulations are inconsistent with the provisions of this Subchapter 19.06.100. Provisions of Chapter 19.14 that are not inconsistent with the provisions of this Subchapter shall continue to apply to signs within the District. Such provisions of Chapter 19.14 may be applied by the Director or be made applicable as part of the review and approval process set forth in this Subchapter.
2. Any sign existing in the District as of January 2, 2002, that conforms to the provisions of Chapter 19.14 or has been allowed to continue under nonconforming status may continue under the provisions of this Subchapter as long as a current permit is maintained, the sign is structurally sound and in good working order, and the sign does not create a public nuisance or otherwise violate any ordinance, regulation or statute. Except as otherwise provided by ordinance, any such sign shall not be subject to removal or modification by reason of any amendment to Chapter 19.14.
3. The sign standards contained in this Subchapter shall:
 - a. Be interpreted and applied with reference to the background provisions set forth in Section B above;
 - b. Apply to all property, development, expansion and renovation within the Sub-district except property located within the boundaries of the Pedestrian Mall, as described in LVMC Chapter 11.68; and
 - c. Apply to any building facade within 125 feet of the centerline of the streets that border the Sub-district (referred to hereafter as the "buffer area."). (See Illustration A)

4. The development, construction, expansion, or renovation of freestanding signs within the Sub-district is prohibited, except signs that:
 - a. Belong to or are within the Neon Museum collection; or
 - b. Have been declared by the Las Vegas Historic Preservation Commission to be “historic” or “contributing.”
5. Each wall-mounted sign within the Sub-district shall be a minimum of 10 feet vertically above the height of the finished sidewalk along public rights-of-way and public pedestrian pathways. (See Illustration B) On-premise signs that do not exceed 65 square feet in size are exempt from this requirement, provided that there is a separation between such signs of at least 50 linear feet along the right-of-way or pathway.
6. Of all signage to be placed along Fourth Street, or along any street that is adjacent and perpendicular to Fourth Street and is within 125 feet of the centerline of Fourth Street, at least 75% of the total sign surface areas must consist of neon signs or animated signs, or a combination thereof. (See Illustration C) Of all signage that is not within the areas described in the preceding sentence, the minimum percentage of neon or animated signage, or combination thereof, is 50%.
7. Individual sign surface areas shall not exceed a total of 1,500 square feet.
8. For any one wall, the maximum wall coverage for the composite total of all sign surface areas shall not exceed 50% of the eligible wall signage area, as depicted in Illustration D. This limitation does not apply to roof signs located above the roofline of the building facade nor to transparent “building wrap” signage.
9. The minimum separation distance between off-premise signs shall be 5 feet.
10. The total sign surface area of each wall mounted, roof mounted, or parapet mounted sign shall not exceed 1,500 square feet, and no such sign shall extend vertically more than 20 feet above the height of the parapet.
11. Animated signs must be fully operational and continuously animated 24 hours a day. Changes to the image or other animation feature must occur no less frequently than every 30 seconds, except when required maintenance or change of message dictates otherwise.
12. Each off-premise sign with at least two rotating or changing messages, images or contents, must change at least once every 30 seconds, and the sign must be framed by a decorative faceplate or frame that is at least 18 inches in width and that includes at least one band of illuminated neon tubing completely surrounding the sign.
13. At least 75% of off-premise signs are encouraged to be used to advertise places, products, goods, services, idea or statements whose subject is available or located within the District.
14. It is recommended that all signs be fully illuminated from at least one hour before dusk until one hour after dawn. Signs may be fully illuminated during daylight hours also.
15. Signs may not encroach into any public right-of-way, or any intersection more than 8 feet perpendicular to the building wall to which the sign is attached. (See Illustration E) Marquee signage along Fourth Street is exempt from this limitation. The city does not encourage encroachment of signage into public rights-of-way, and the applicant or sign owner must obtain all necessary encroachment approvals before the installation of any sign.

16. The owner and operator of each sign is responsible for ensuring that appropriate sign maintenance occurs and that repairs of damaged signs are accomplished promptly.

D. Special Sign Standards-Review and Approval Procedures

Ord 5615 7/16/03

1. **Design Review Committee.** There is hereby created a Design Review Committee (DRC) for the review of signs proposed to be located within the Sub-district and buffer area. The DRC shall be composed of: two members of the Planning Commission, two representatives of the Department designated by the Director, and one representative of the City's Office of Business Development. The DRC shall have the authority to review and approve application for all signs, subject to the provisions of this Subchapter.
2. **Application Process.** Sign applications shall be submitted to the Department. The Department shall forward the application to the DRC for review and action. The DRC shall review the application and shall approve, approve with conditions, or deny the application.
3. **Design Review Provisions.** The following design review procedures shall apply:
 - a) The DRC may approve a sign application for single or multiple uses if it determines that each sign is compatible with the approved Master Sign Plan and the theme and overall character to be achieved in the area. The DRC shall base its assessment of compatibility on the following criteria:
 - (i) The application's compliance with the standards identified in this Subchapter.
 - (ii) The relationship of the scale and placement of the sign to the building or premises upon which it is to be displayed.
 - (iii) The relationship of colors of the sign to the colors of adjacent buildings and nearby street graphics.
 - (iv) The similarity or dissimilarity of a sign's size and shape to the size and shape of other signs in the area.
 - (v) The similarity or dissimilarity of the style of lettering on the sign to the style of lettering of nearby street graphics.
 - (vi) The compatibility of the type of illumination, if any, with the type of illumination in the area.
 - (vii) The compatibility of the materials used in the construction of the sign with the material used in the construction of other signs in the area.
 - (viii) The aesthetic and architectural compatibility of the proposed sign with the building upon which the sign is suspended, including its signage, and with the surrounding buildings and their signage.
 - (ix) The sign's use of high quality, durable materials such as hardwoods, painted wood, metal, stainless steel, painted steel, brass or glass.

b) Applications for the design review of signs shall be processed as follows:

- (i) An application shall include: a complete set of plans which contain visual representations of the lettering, illumination, color, area and height of graphics, and may also indicate the areas and building where they may be placed and located; photographic or drawn elevations of a minimum of 266 feet of frontage, with proposed signs superimposed, to show the context and perspective of the proposed signs; a drawing of each sign at one-half inch to one-inch scale; and any other items required by the Director or the DRC.
 - (ii) Applications shall be forwarded to the DRC by the Department at least 2 weeks prior to the regularly scheduled DRC meeting.
 - (iii) Approval or denial of an application by the DRC shall be made in writing with reasons for approval, denial, or approval with conditions, within 15 days following each DRC meeting. In the event written notification of the action is not provided within that period, the application shall be deemed to have been denied. Decisions of the DRC may be appealed to City Council in accordance with the provisions of subsection (d) below.
4. **Appeals.** The applicant may appeal the decision of the DRC to the City Council. An appeal must be in written form and must be filed in the office of the City Clerk, with a copy to be filed in the office of the Department. The appeal must be filed within 10 days after notification of the administrative decision has been given (or within 10 days after the deadline for notification has passed), and shall specifically describe the decision at issue and the basis for the appeal. The appeal shall be considered on the next available agenda of the City Council.
5. **Rules and Regulations.** The DRC shall have the authority to adopt rules and regulations concerning its administrative procedures.

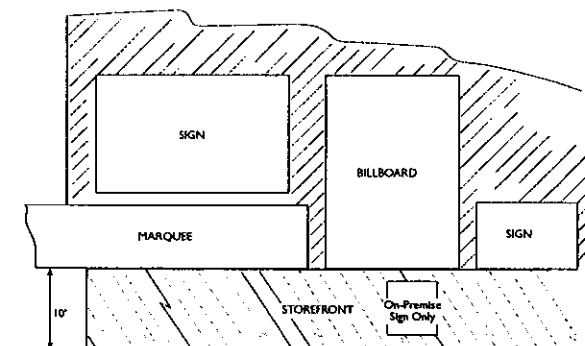


Illustration B

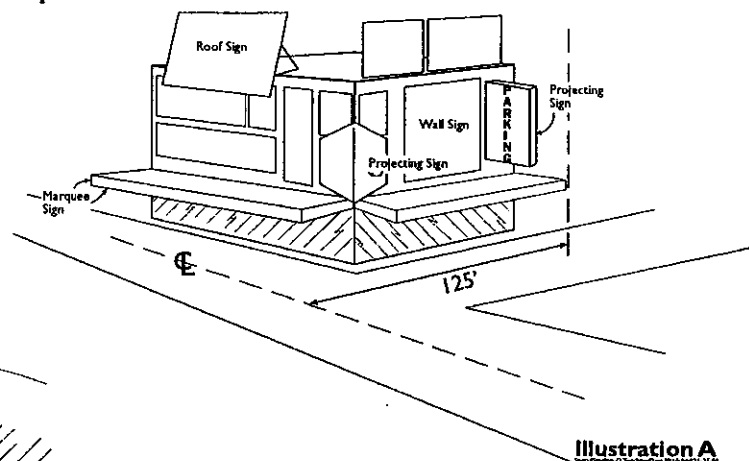
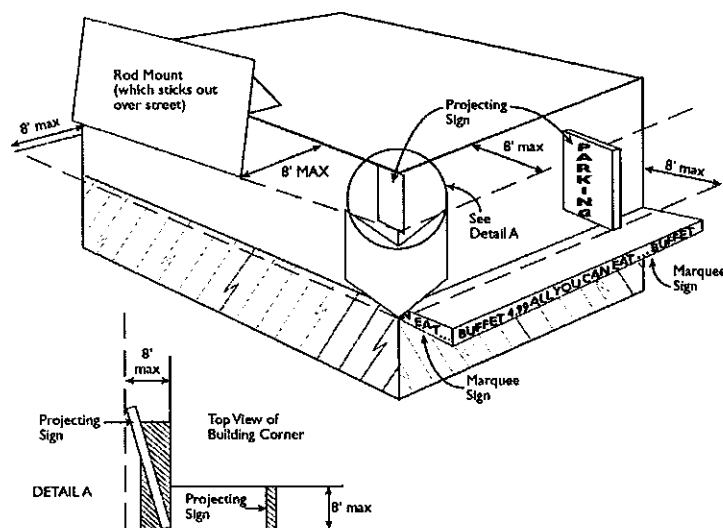
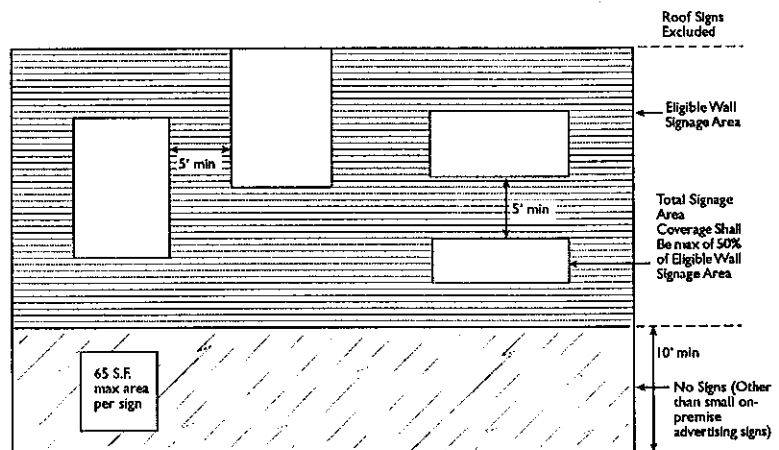
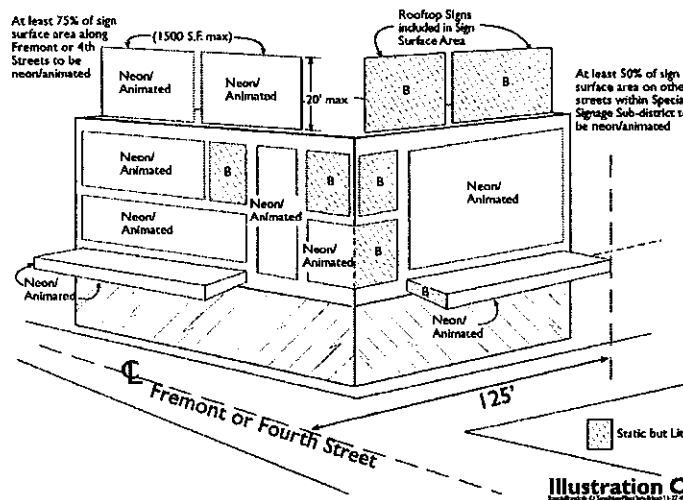


Illustration A



19.06.110 T-C TOWN CENTER DISTRICT

Ord 5620 8/6/03
Ord 5506 9/4/02

A. Intent and Objectives

1. The Town Center (T-C) District is established to permit and encourage the development of a mixed-use employment center which will provide economic stability and diversification for the City of Las Vegas. The primary objective of the T-C District concept is to provide employment for in excess of 100,000 individuals while, at the same time, creating a unique blending of human habitation and economic activity. The rezoning of property to the T-C District is appropriate only if the Town Center concept will be followed and the objectives set forth in Subsection 2 below are adhered to.
2. In the T-C District, the developer must demonstrate the potential for achieving the following outlined objectives throughout the planning, design and development stages:
 - a. Providing for an orderly and creative arrangement of land uses with respect to each other, to the Town Center and to all adjacent properties;
 - b. Providing for a variety of housing types which are not found elsewhere in the City, as well as employment opportunities and commercial services to achieve a balanced community for individuals and families of wide variety of ages, sizes and levels of income;
 - c. Providing for a planned and integrated comprehensive transportation system for pedestrian and vehicular traffic, which may include provisions for mass transportation and roadways, bicycle paths, pedestrian walkways and other similar transportation facilities;
 - d. Providing for cultural, educational, medical, religious and recreational facilities;
 - e. Locating and siting structures to take maximum advantage of the natural and manmade environment and to establish new view corridors; and
 - f. Providing for adequate, well-located and well-designed open space and community facilities.

B. Permitted Land Uses and Development Standards

1. Development in the T-C District may consist of any use or appropriate combination of uses that are specifically approved for the property in the Town Center Land Use Matrix, as set forth in the Town Center Development Standards Manual. The developer shall identify in a written analysis the proposed uses for each project and shall specify how each proposed use is consistent with the Land Use Matrix.
2. Development in the T-C District shall conform to the Town Center Development Standards Manual, which is hereby adopted by this reference. The Town Center Development Standards Manual shall be on file in the Office of the City Clerk and in the Planning and Development Department. The Town Center Development Standards Manual may be amended from time to time by ordinance or by resolution of the City Council.

C. Special Application Requirements

Plans and documentation which must accompany a rezoning application are as follows:

1. A conceptual development plan for the property, including general land use designations, parking plans, transportation plans and plans for open space and community facilities. A general phasing plan shall be included to include the intended timing of development;
2. Proposed development standards that set forth architecture; densities; building height, bulk and setback requirements; requirements for signage, landscaping, parking and open space. The proposed standards should demonstrate consistency and compliance with the Town Center Development Standards Manual;
3. Storm drainage information, which shall consist of a preliminary drainage study completed by a registered professional engineer on a map with a minimum contour interval of five feet;
4. Conceptual utility layout that includes tentative sewer and water main corridors; and
5. Proposed conditions, covenants and restrictions, including architectural, design and other development guidelines to be followed.

D. Development Review, Recommendation, and Approval

1. **Zoning Approval.** The rezoning of property to the T-C District shall be by means of a review and recommendation by the Planning Commission and approval by the City Council, in accordance with the provisions of Chapter 19.18 of this Title. The approval of a T-C District by the City Council shall be accomplished directly by ordinance. The approval of a T-C District may include the approval of a Development Plan which shall thereafter govern the development of the property.
2. **Development Approval.**
 - a. Plans for proposed development within the T-C District must be submitted to the Planning and Development Department. The Director or the Director's designee shall review the plans for conformance with the provisions of the Subchapter, and may require modifications to the proposal in order to protect the public health, safety and welfare and to better fulfill the intent of the Town Center Land Use Plan and the Town Center Development Standards Manual.
 - b. Development of any project within the T-C District may be approved administratively if the proposed development:
 - 1) Requires no additional approval by any board or the City Council; and
 - 2) Is in full compliance with the Town Center Development Standards Manual, any Development Plan which has been approved for the project, and the intent of the Town Center concept.

- c. For any other development, approval must be obtained in accordance with the procedural and substantive requirements set forth in the Town Center Development Standards Manual, this Subchapter, and the provisions of this Title.
3. **Appeal of Decision.** An applicant that is aggrieved by the decision of the Director or the Director's designee with respect to a proposed plan for development may appeal that decision to the Planning Commission. An applicant that is aggrieved by the decision of the Planning Commission may appeal such decision to the City Council by filing a written request for appeal with the City Clerk within fifteen calendar days after the date of the Planning Commission's decision.

E. Open Space and Landscape Area Requirements

A minimum of 20 percent of the gross property area proposed to be added to or developed within the T-C District shall consist of any combination of open space, recreation facilities, multi-purpose trails, pedestrian and bikeway facilities, other common community facilities and landscaped areas in public rights-of-way. Any private recreation facility which serves more than one individual lot may be counted as a part of the minimum requirement. Specific open space and landscaped area requirements are as set forth in the Town Center Development Standards Manual.

F. Street and Subdivision Design Requirements

All development shall conform to the standard street and subdivision design requirements set forth in Title 18 of the Las Vegas Municipal Code, except as otherwise provided for specifically in the Town Center Development Standards Manual.

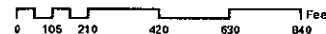
G. Analogous Applications

With regard to any issue of land use regulation that may arise in connection with the T-C District and that is not addressed or provided for specifically in this Subchapter or in the Town Center Development Standards Manual, the Director of Planning and Development may apply by analogy the general definitions, principles and procedures set forth in this Title, taking into consideration the intent of the approved Town Center Land Use Plan.

19.06.120 DOWNTOWN ENTERTAINMENT OVERLAY DISTRICTOrd 5521
10/2/02**A. Establishment of District**

There is hereby created the Downtown Entertainment Overlay District (the "District"), consisting of that area of the City bounded by Ogden Avenue on the north, Carson Avenue on the south, Las Vegas Boulevard on the west and 8th Street on the east. The boundaries are depicted on the map that appears below.

**DOWNTOWN ENTERTAINMENT
OVERLAY DISTRICT**
 Entertainment Overlay District



Adopted October 2, 2002 by Ordinance No. 5521

B. Intent of District

The creation of the District is intended to further the City's downtown redevelopment plans in the spirit of restoring downtown Las Vegas as a dynamic, vibrant center for the entire Las Vegas Valley. Creation of the District is also intended to:

1. Create a safe and secure environment.
2. Eliminate urban blight.
3. Revitalize surrounding neighborhoods.
4. Foster economic development opportunities and expand free enterprise.
5. Eliminate criminal activities.
6. Make the East Fremont area a community of choice for business and citizens.
7. Adjust the zoning and licensing restrictions to encourage non-gaming blues and jazz nightclubs, comedy clubs, and other musical entertainment venues.
8. Leverage the popularity of the nearby Neonopolis and Fremont Street Experience attractions with the proposed physical proximity of the new district.
9. Encourage and facilitate the creation of an improvement district for a commercial area vitalization project for the District.

C. Separation Requirements for Liquor Establishments

For any liquor establishment (tavern), supper clubs, restaurant service bar, or other liquor-serving establishment that is approved by means of Special Use Permit for a parcel located within the District, the distance separation requirements set forth in Chapter 19.04 shall not apply. The Special Use Permit approval may include conditions designed to mitigate any impacts related to distance separation.

D. Parking Requirements

For any banquet facility, restaurant, café, tavern, bar, supper club, billiard parlor, nightclub/discotheque, general retail store or video arcade that is approved by means of Special Use Permit or otherwise for a parcel located within the District, the on-site parking requirements set forth in Chapter 19.10 shall not apply. The Special Use Permit or other approval may include conditions designed to mitigate any impacts related to parking.

E. Review and Approval Procedures (General)

1. Any application for development within the Downtown Entertainment Overlay District, including without limitation an application for a new building, the remodeling of a building, a Site Plan Review or a Special Use Permit, shall be processed in accordance with the procedures described in this Subsection (E). The procedures set forth in this Subsection (E) are not intended to take the place of any General Plan Amendment, Rezoning or Special Use Permit requirement that may apply, but otherwise will replace the normal review and approval processes set forth in Chapter 19.18.

Ord. 5740
01/5/05

2. There is hereby created a Design Review Committee for the Downtown Entertainment Overlay District (DEOD-DRC). The DEOD-DRC shall be composed of:
 - a. Two members from the Planning Commission, to be designated by the Planning Commission;
 - b. Two members from the Planning and Development Department;
 - c. One member from the Office of Business Development who is assigned to the City of Las Vegas Redevelopment Agency; and
 - d. Two members from an owner's association that is representative of the owners of property located within the District, to be designated by the governing board thereof.
3. Authority is hereby expressly granted to the DEOD-DRC to review and approve applications for all designs, subject to the specific provisions of this Section 19.06.120 that are applicable to the Downtown Entertainment Overlay District.
4. Applications shall be submitted to the Planning and Development Department. The Department shall forward the application to the DEOD-DRC for its review and action. The DEOD-DRC shall review the application and shall approve, approve with conditions, or deny the application.
5. The following design review standards shall apply:
 - a. The DEOD-DRC may approve an application for single or multiple uses. The DEOD-DRC shall base its assessment of compatibility on the following criteria:
 - i) The compliance of the application with the site planning and architectural design standards applicable to the Downtown Overlay District, as identified in LVMC 19.06.060, and with any applicable guidelines that might subsequently be adopted by the City Council.
 - ii) The compliance of the application with the signage standards and requirements applicable to the Special Signage Sub-district of the Downtown Casino Overlay District, as identified in LVMC 19.06.100.
 - iii) The relationship of the scale and placement of the building to the block upon which it is to be built or remodeled.
 - iv) The relationship of colors to the colors of adjacent buildings and nearby street graphics.
 - v) The similarity or dissimilarity of the building's size and shape to the size and shape of others in the area.
 - vi) The compatibility of the type of illumination with the type of illumination in the area.
 - vii) The compatibility of the materials used in the construction of the building with the material used in the construction of other buildings in the area.
 - viii) The use of high quality, durable materials and exciting, imaginative designs.
6. Applications for design review shall be processed as follows:
 - a. An application shall be forwarded to the DEOD-DRC by the Planning and Development Department at least two (2) weeks prior to the regularly scheduled DEOD-DRC meeting.

Approval or denial of the application by the DEOD-DRC shall be made in writing with reasons for approval, denial, or approval with conditions, within fifteen (15) days following each DEOD-DRC meeting. In the event a written notification is not made within said fifteen (15) days, the application shall be deemed to have been denied. Decisions of the DEOD-DRC may be appealed to the City Council in accordance with the provisions of Paragraph 7 below.

- b. A complete set of plans shall be submitted, which shall contain visual representations of the building, illumination, color, materials and signs.
 - c. Photographic or drawn elevations of the building frontage shall be submitted as well.
 - d. The application shall also include or address any additional materials or representations as may be mandated by the Planning and Development Department or the DEOD-DRC.
7. An applicant may appeal the decision of the DEOD-DRC to the City Council. An appeal must be in written form and must be filed in the office of the City Clerk, with a copy to be filed in the office of the Planning and Development Department. The appeal must be filed within ten (10) days after the decision is made and shall specifically describe the decision at issue and the basis for the appeal. The appeal shall be considered on the next available agenda of the City Council.
8. The DEOD-DRC shall have the authority to adopt rules and regulations concerning its administrative procedures.

F. Special Use Permits for Tavern-Limited Establishment

1. A Special Use Permit for a Tavern-Limited Establishment shall be processed in accordance with the Special Use Permit provisions of LVMC 19.18.060. A Special Use Permit for this use may be approved if it meets the Special Use Permit criteria generally, the criteria for a Tavern-Limited Establishment, and the criteria set forth in this Subsection (F).
2. The approval of a Special Use Permit for a Tavern-Limited Establishment may include such conditions as may be recommended by City staff and the Planning Commission, and imposed by the City Council.

G. Relationship to Other Provisions.

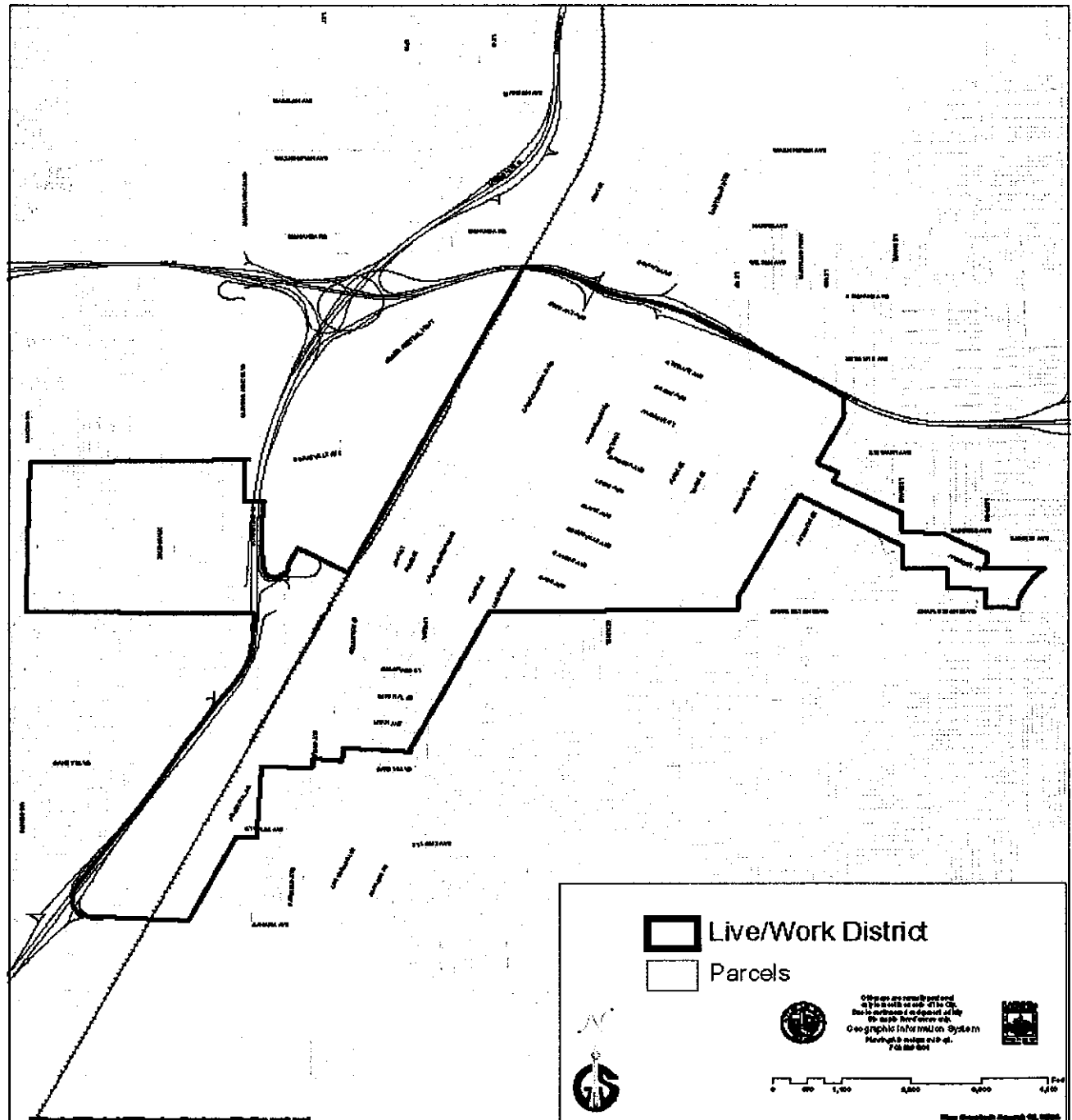
All provisions of this Title shall apply to property within the District except to the extent that they conflict with the provisions of this Section 19.06.120.

19.06.130 LIVE/WORK OVERLAY DISTRICT

Ord 5671 3/3/04

- A. **Purpose.** The purpose of the Live/Work Overlay District is to allow owners and operators of businesses to occupy joint living and work quarters in commercial and industrial areas where other types of residential uses are inappropriate. Allowing Live/Work units will contribute to the vitality of commercial and industrial areas, assist in reducing vehicular traffic, and allow for a greater spectrum of housing types within the City.
- B. **Intent.** It is intended that Live/Work units will function as follows:
1. The owner or lessee of the space will reside and work in the Live/Work unit.
 2. The commercial or nonresidential uses of the Live/Work unit will be limited to low-intensity commercial and arts-related uses.
 3. No activity that uses hazardous materials or generates excessive noise will be permitted.
 4. The number of employees will be limited.
 5. Clientele generally will arrive by appointment, with walk-in trade anticipated to be minimal.
 6. The residential component of the use shall be accessory to the commercial or nonresidential component.
 7. Residents of Live/Work units will be presumed to acknowledge the existence and operation of uses that are permitted on nearby parcels that are zoned for commercial and industrial uses.
- C. **Boundaries.** The Live/Work Overlay District is established within the City. Its boundaries are depicted on the map that appears on the following page.

City of Las Vegas
LIVE/WORK OVERLAY DISTRICT



D. Approval Criteria. All Live/Work units within the Live/Work Overlay District must meet the following criteria in order to be approved:

Ord 5734 12/1/04

1. **Zoning.** Live/Work units may be located in the C-1, C-2, C-M and M and PD Zoning Districts only.
2. **Permissible Nonresidential Uses.** Because of the residential component, only the following nonresidential uses are permitted:
 - (a) Office uses.
 - (b) Desktop publishing.
 - (c) Arts activities, including painting, sculpture, printmaking, ceramics, photography, film, video, graphic design, jewelry, and textiles, but excluding any activity that involves welding or open flame work. The sale of artwork is permitted as an ancillary use.
3. **Nonresidential Use Criteria.** Nonresidential activities must generally conform to the intent of the Live/Work Overlay District as described in Section (B) of this Section.
4. **Residential Use Criteria.** The residential component of a Live/Work unit must contain sleeping space, cooking facilities, and complete sanitary facilities. No more than fifty percent of the total floor area of a Live/Work unit shall be designed or used for residential purposes. The residential occupancy of a Live/Work unit must include at least one person who is employed or carries out an occupation in the unit.
5. **Emergency Access and Parking.** Live/Work units shall be clearly identified by signage in order to facilitate access for emergency services. The amount of required onsite parking shall be calculated in accordance with Chapter 19.10, based upon the gross square footage of the unit and the nonresidential use or uses occurring therein.
6. **Signage.** Permissible signage shall be in accordance with the requirements and limitations of Chapter 19.14 and those that pertain to any other overlay district in which the property is located.

E. Approval Process

1. **Arts District.** Within the Arts District (as identified in the Downtown Centennial Plan), a Live/Work unit proposed within a new structure may be approved as part of a Site Development Plan Review. Live/Work units proposed within an existing structure may be approved administratively, subject to compliance with this Section 19.06.130 and all applicable building-related codes.
2. **Other Locations.** At locations other than the Arts District (as identified in the Downtown Centennial Plan), a Live/Work unit proposed within a new or existing structure may be approved only by means of special use permit.

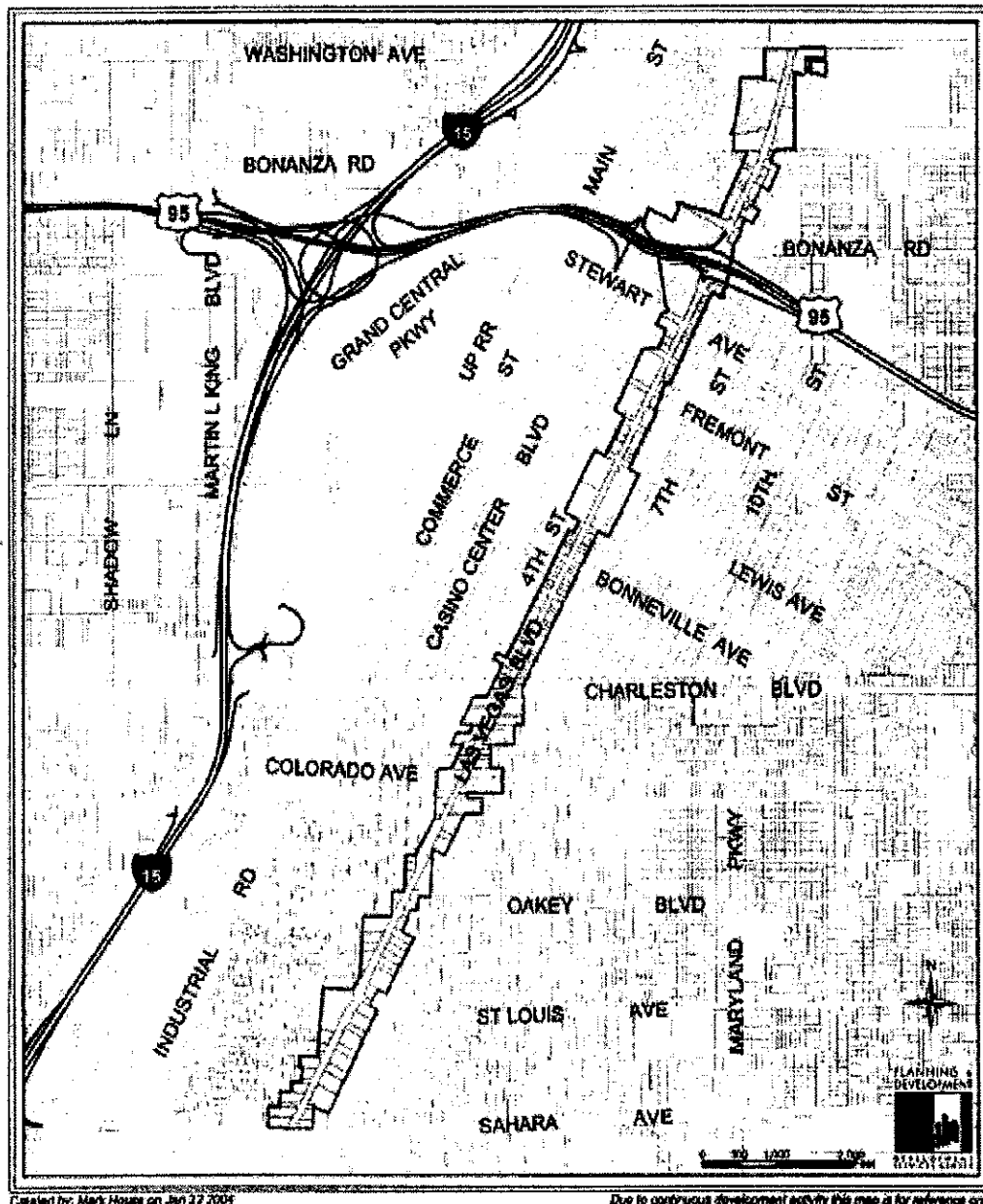
- F. **Applicability of Other Provisions.** This Section 19.06.130 is intended to operate and apply independently of any other provision in this Title that allows residential and nonresidential uses on the same parcel. An applicant may proceed under this Section or under any other provision that applies to a proposed use.

19.06.140 LAS VEGAS BOULEVARD SCENIC BYWAY OVERLAY DISTRICT

Ord 5694 5/5/04

- (A) **Intent.** In 2001 the State of Nevada designated as a scenic byway the Las Vegas Boulevard Scenic Byway in order to preserve its character as a nighttime urban scenic byway. The intent of the Las Vegas Boulevard Scenic Byway Overlay District is to provide signage standards that will maintain and enhance the scenic qualities of this historic highway in accordance with the “scenic byway” designation.
- (B) **Boundaries.** The Las Vegas Boulevard Scenic Byway Overlay District is established within the City. Its boundaries are generally described as the portion of Las Vegas Boulevard between Sahara Avenue on the south and Washington Avenue on the north. The Overlay District includes only those properties that have direct frontage on Las Vegas Boulevard. Because of ongoing development activity along Las Vegas Boulevard, the list of properties with direct frontage on Las Vegas Boulevard may change from time to time, and the above textual description of the boundaries of the Overlay District shall control over any map to the contrary. However, for the sake of convenience and reference, the boundaries of the Overlay District are generally depicted on the map that appears on the following page:

SCENIC BYWAY OVERLAY DISTRICT



Created by: Mark House on Jan 22 2004

Due to continuous development activity this map is for reference only.

SCENIC BYWAY CORRIDOR

(C) Sign Standards

- (1) **Relationship to Other Provisions.** Except as otherwise required or prohibited by this Section, all signage within the Las Vegas Boulevard Scenic Byway Overlay District shall be governed by and subject to:
 - (a) All applicable standards and procedures in Chapter 19.14;
 - (b) All applicable standards and procedures in Chapter 19.06 and that govern the Downtown Overlay District, for properties that are located within the district; and
 - (c) All applicable standards and procedures in Chapter 19.06 that govern the Downtown Entertainment Overlay District, for properties that are located within that district.
- (2) **Illumination.** For any development within the Las Vegas Boulevard Scenic Byway Overlay District, at least 75% of the total sign surface areas for that development (excluding awning signs) must consist of illuminated signage, in the form of neon signs, animated signs, or a combination thereof.
- (3) **Off-premise Signs.** Off-premise signs are not permitted within the Las Vegas Boulevard Scenic Byway Overlay District.
- (4) **Maintenance.** The owner and operator of each sign are jointed and severally responsible for ensuring that appropriate sign maintenance occurs and that damaged or nonfunctional signs and lighting are promptly repaired and made functional.

